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C O N F I D E N T I A L SECTION 01 OF 03 RABAT 000267

SIPDIS

STATE FOR DRL/NESCA AND NEA/MAG

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TAGS: [PHUM](#) [PGOV](#) [KISL](#) [SCUL](#) [MO](#)  
SUBJECT: POLITICAL FOOTBALL OVER GAY RIGHTS

REF: 08 RABAT 0411

Classified By: Charge d'Affaires, a.i., Robert P. Jackson for reasons 1  
.4 (b) and (d).

¶1. (C) Summary: Recent Moroccan responses to overt homosexuality illustrate the extent to which this issue has become a touchstone between conservative and Islamist factions and modernizers, including many supporters of the throne. A Moroccan gay rights organization based in Madrid has received unprecedented media access and coverage for its pro-gay rights campaign here in Morocco. At the same time, authorities continue to detain persons for homosexual activities. Such arrests have occurred in the past but, until last year, rarely led to convictions. The Minister of the Interior made an unprecedented public statement against homosexuality after an inflammatory news article on the practice of gay marriage. A group of human rights activists is planning to request permission to create a Moroccan gay rights association, although their application stands little chance of being approved. In sum, however, the level of public tolerance for openly gay Moroccans appears to be slowly rising. End summary.

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A Gay Rights Campaign ...  
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¶2. (C) Gaining unprecedented media coverage for what remains an extremely sensitive issue, Samir Bergachi, President of Kif-Kif (Same-Same), a Moroccan gay rights group based in Madrid, launched a pro-gay rights campaign in mid-March. He sought to educate the Moroccan public, which largely views homosexuality as a disease, and to inform Moroccan homosexuals of their human rights, he told the French-language weekly *TelQuel*.

¶3. (SBU) Mr. Bergachi told press interviewers that the situation for Moroccan homosexuals has improved in recent years and that Morocco is more liberal than many of its neighbors on this issue, noting that he plans to hold a public event next month in Marrakech to highlight gay rights. But, he said, compared to Lebanon or Turkey, which he characterized as more accepting of homosexuality, "a lot of work still remains."

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... Triggers Protests and a Crackdown  
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¶4. (C) Bergachi's campaign prompted a series of protests by Islamists, which triggered a limited but high-profile crackdown. On March 10, authorities near Meknes detained 17 men suspected of homosexuality during a Sufi festival (Moussem) celebrating the birth of the Prophet Mohammed. Nine of the men have since been released, with the remaining

eight scheduled to go to trial during the first week of April, human rights attorney Ahmed Arehmouch told us. According to press reports, the men are now being detained on suspicion of male prostitution, and local authorities have charged them with "attacks against the Kingdom's moral foundations," under Article 489 of the Moroccan Penal Code. Those convicted under Article 489, which prohibits "lewd or unnatural acts with an individual of the same sex," may be punished by six months to three years imprisonment, and a fine of between USD 15 and 150.

15. (C) Highlighting the stigma that still surrounds homosexuality in Morocco, Arehmouch stated that he could find only two attorneys who half-heartedly agreed to represent the men from Meknes, who generally came from poor families. "Most of the attorneys worried about the effect the case would have on their reputations," he explained. He noted that people who challenge sexual and gender norms regularly experience discrimination related to housing, social security and employment.

16. (C) Until last year's politicization of the issue (Reftel), Morocco has generally tolerated participation by traditionalist homosexuals in the Sufi Moussem near Meknes, motivated in part by the Sufi ethos for tolerance. Arehmouch observed that similar numbers of people are arrested at this festival every year, but are usually released without charges after a few days. He suspected the GOM/Palace arrested and charged the men this year in order to appease conservative Islamist elements. He also told us that on March 15, two men in Agadir were sentenced to ten months in prison on sodomy and prostitution charges. Such activities have been largely

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tolerated in the past, with growing enforcement attention principally focused on pedophilia. Rabat has been under increasing pressure both from conservatives and from donors to do something about prostitution.

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Gay Marriage and the Koran  
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17. (C) Complicating matters for the Government, on March 21, Moroccan tabloid Al Michael published a story on the illegal, but not unknown, practice of marriage among gay couples in Morocco. The article featured an inflammatory photograph of two nearly-naked men who claimed they had married each other by reciting a prayer and verses from the Koran. That same day, the Ministry of the Interior issued an unusual public statement saying that it would "confront all actions that go against religious and moral values, within the framework of the law." The statement also denounced "those voices, who through media, try to justify these ignoble behaviors that represent a provocation to public opinion."

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Morocco is Not Yet Ready  
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18. (C) All of this activity prompted Arehmouch and other human rights activists to request permission to create a gay rights association in Morocco in mid-April. Because of the sensitive nature of the issue, and Morocco's previous refusal to legally recognize similar organizations, neither the Mission nor Arehmouch expects the Government to grant this request. In his interview with TelQuel, Madrid-based activist Bergachi mused that Rabat would never allow the creation of such an association because "that would irritate the Islamists, the conservatives and the radicals." According to press reports, the Moroccan Association for Human Rights (AMDH) and the House of Wisdom (Bayt Al Hikma which is run by a leftist activist now linked to royal confidant Fouad Ali El Himma's Party for Authenticity and Modernity, who publicly distanced herself from Bargachi) advised Bergachi to take a lower profile on this issue,

asserting that "Morocco is not yet ready."

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The Politicization of Homosexual Tolerance  
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¶9. (C) The politicization of homosexual tolerance became a national issue just over a year ago. In 2008, following publication of cellphone photos purporting to show a gay marriage, and heavy agitation by the Party for Justice and Development and other Islamists, there were near-riots in the northern town of Ksar el Kabir leading to several arrests, including of the host. The men were eventually convicted but were later quietly released, essentially for time served pre-trial. The violence was at least in part provoked by incendiary and sensationalist coverage and commentary on the marriage by independent daily "Al-Massae," known for its conservative - some say Islamist- leanings. The whole affair became a national cause celebre, with much of the intelligentsia, liberal media and modernizers associated with the makhzen (Morocco's broader power elite) urging tolerance, while Islamists urged repression, using the incident as a means to criticize the reforming tendencies of the monarchy. At that time, two local deputy prosecutors were forced to relocate to Casablanca after townspeople threatened to stone them (Reftel) after "Al-Massae" accused an unnamed deputy prosecutor of participating in the ceremony. The four deputy prosecutors from the town won an enormous libel settlement against the newspaper, an award that was widely criticized by international press freedom activists.

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Comment  
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¶10. (C) Comment: The crack-down in Meknes, while unfortunate, should be viewed in the context of the tug-of-war between modernists aligned with the Palace and conservatives/Islamists. The Palace has allowed much greater public discussion of homosexuality, in parallel with its broader effort to promote tolerance. Advocates of a more tolerant stance on the issue appear not to be subject themselves to any form of official pressure (as opposed to the gay activists or persons caught up in the arrests). Nonetheless, reform is limited by public opinion, which widely opposes homosexuality. The Mission will continue to

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monitor the situation, in part to see if Bergachi's planned conference takes place next month. End comment.

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<http://www.intelink.sgov.gov/wiki/Portal:Moro> cco  
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